



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1793

Introduced 2/9/2023, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

410 ILCS 35/20 from Ch. 111 1/2, par. 3751-20
410 ILCS 35/30 new
410 ILCS 35/35 new

Amends the Equitable Restrooms Act. Provides that, notwithstanding any other provision of law, any multiple-occupancy restroom may be identified as an all-gender multiple-occupancy restroom and designated for use by any person of any gender. Requires an all-gender multiple-occupancy restroom to include specified signage, stall dividers, and partitions for urinals. Provides that any multiple-occupancy restroom may be converted into an all-gender multiple-occupancy restroom. Provides that, if a facility commences construction or commences alterations exceeding 50% of the facility and if it also implements an all-gender multiple-occupancy restroom, the all-gender multiple-occupancy restroom must satisfy or include specified requirements. Requires certain newly constructed or previously existing restrooms to be designated as all-gender multiple-occupancy restrooms. Provides that when a person or entity must meet female-to-male ratio requirements, each individual toilet stall in an all-gender multiple-occupancy restroom may be counted toward the required number of either female or male toilet stalls. Provides that during any inspection of a facility by a health officer, health inspector, or building inspector, the health officer, health inspector, or building inspector may inspect the facility to determine whether it complies with the provisions. Requires the Department of Public Health to adopt rules to implement the provisions. Defines "multiple-occupancy restroom". Makes other changes. Effective immediately.

LRB103 28445 CPF 54825 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Equitable Restrooms Act is amended by
5 changing Section 20 and by adding Sections 30 and 35 as
6 follows:

7 (410 ILCS 35/20) (from Ch. 111 1/2, par. 3751-20)

8 Sec. 20. Application. Except for Sections ~~Section~~ 25 and
9 30, this Act applies only to places of public accommodation
10 that commence construction, or that commence alterations
11 exceeding 50% of the entire place of public accommodation,
12 after the effective date of this Act.

13 (Source: P.A. 101-165, eff. 1-1-20.)

14 (410 ILCS 35/30 new)

15 Sec. 30. All-gender multiple-occupancy restrooms.

16 (a) The purpose of this Section is to promote the privacy,
17 safety, and gender inclusivity of all Illinois residents and
18 visitors. This Section shall be liberally construed to carry
19 out this purpose.

20 (b) In this Section, "multiple-occupancy restroom" means a
21 fully enclosed room or suite of rooms intended for
22 simultaneous use by 2 or more occupants, designated to serve

1 male or female users, and containing at least one sink and at
2 least 2 sanitary fixtures, such as toilets or urinals.

3 (c) Notwithstanding any other provision of law, any
4 multiple-occupancy restroom may be identified as an
5 all-gender, multiple-occupancy restroom and designated for use
6 by any person of any gender. An all-gender, multiple-occupancy
7 restroom must include the following:

8 (1) Inclusive signage that is prominently displayed at
9 the exterior of the multiple-occupancy restroom for all
10 who enter the restroom, that does not indicate any
11 specific gender, and that indicates any component that is
12 present in the multiple-occupancy restroom required under
13 this subsection or subsection (e).

14 (2) Stall dividers equipped with a sturdy and
15 functioning locking mechanism controlled by the user and a
16 partition privacy cover or strip that ensures that no one
17 is able to see through the space between the stall divider
18 and door.

19 (3) Partitions for each urinal that is present.

20 (d) Any multiple-occupancy restroom may be converted into
21 an all-gender, multiple-occupancy restroom. If a multiple
22 occupancy restroom is to be converted into an all-gender,
23 multiple-occupancy restroom and a multiple-occupancy restroom
24 serving a different gender is located adjacent to or in
25 proximity to the all-gender, multiple-occupancy restroom, then
26 both multiple-occupancy restrooms must be converted into

1 all-gender, multiple occupancy restrooms.

2 (e) Any facility equipped with multiple-occupancy
3 restrooms for men and for women on more than one level or floor
4 of the facility shall convert a proportional number of the
5 multiple-occupancy restrooms into all-gender,
6 multiple-occupancy restrooms.

7 (f) If a facility commences construction, or commences
8 alterations exceeding 50% of the facility, the facility shall
9 implement an all-gender, multiple-occupancy restroom, and the
10 all-gender, multiple-occupancy restroom must, in addition to
11 the requirements of subsection (c):

12 (1) satisfy all accessibility requirements set forth
13 by the federal Americans with Disabilities Act of 1990, as
14 amended, and the Illinois Accessibility Code (71 Ill. Adm.
15 Code 400);

16 (2) include a small trash receptacle with a cover in
17 each toilet stall;

18 (3) include at least one vending device of
19 menstruation supplies; and

20 (4) include at least one baby diaper changing station.

21 (g) If an all-gender, multiple-occupancy restroom is newly
22 constructed, any newly constructed multiple-occupancy restroom
23 located adjacent to or in proximity to the newly constructed
24 all-gender multiple-occupancy restroom must also be designated
25 as an all-gender, multiple-occupancy restroom.

26 (h) When plumbing fixtures in a facility are otherwise

1 required to meet female-to-male ratio requirements, including,
2 but not limited to, the requirements under Section 15 or the
3 minimum fixture requirements adopted under the Illinois
4 Plumbing License Law, each individual fixture in an
5 all-gender, multiple-occupancy restroom may be counted toward
6 the required number of either female or male fixtures until
7 the minimum requirement is met. If a fixture is counted toward
8 the minimum required fixtures for females, that same fixture
9 shall not also be counted toward the minimum required fixtures
10 for males. If a fixture is counted toward the minimum required
11 fixtures for males, that same fixture shall not also be
12 counted toward the minimum required fixtures for females. This
13 subsection shall not be construed to allow any violation of
14 female-to-male ratio requirements set forth under this Act.

15 (i) During any inspection of a facility by a health
16 officer, health inspector, or building inspector, the health
17 officer, health inspector, or building inspector may inspect
18 the facility to determine whether it complies with this
19 Section if the facility is required to do so.

20 (j) The Department of Public Health shall adopt rules to
21 implement this Section.

22 (410 ILCS 35/35 new)

23 Sec. 35. Public bathroom facilities report.

24 (a) In this Section, "zip code tabulation area" means an
25 approximate generalized areal representation of a United

1 States postal zip code service area, as the areal
2 representation is determined by the United States Census
3 Bureau.

4 (b) No later than December 31, 2023, the county board of
5 supervisors or commissioners in each county in the State shall
6 designate an agency or office that, in coordination with the
7 Department of Public Health, shall submit to the county board
8 of supervisors or commissioners and the General Assembly a
9 public restroom facilities report. The designated agency or
10 office shall consider input provided by community boards and
11 the public when identifying a location for a public restroom
12 facility. The report shall include:

13 (1) the number of functional public restroom
14 facilities in each zip code tabulation area in the county
15 and the location of each public restroom facility;

16 (2) the number of nonfunctional public restroom
17 facilities in each zip code tabulation area in the county,
18 the location of each nonfunctional public restroom
19 facility, and the repairs necessary to make them
20 functional;

21 (3) at least one location in each zip code tabulation
22 area where the designated agency or office deems it
23 feasible and appropriate to install a public restroom
24 facility unless the zip code tabulation area's agency or
25 office determines that the installation of a public
26 restroom facility would not be suitable because the zip

1 code tabulation area contains a single commercial
2 building, education facility, or residential complex or is
3 entirely comprised of industrial zones;

4 (4) the factors considered in determining whether an
5 identified location is suitable for installing a public
6 restroom facility;

7 (5) features necessary for compliance with the federal
8 Americans with Disabilities Act of 1990, as amended, the
9 Illinois Accessibility Code (71 Ill. Adm. Code 400), any
10 other accessibility requirement, and proposed safety
11 measures that may be considered;

12 (6) the process required to install and maintain a
13 public restroom facility and implement the features
14 described under paragraph (5);

15 (7) any challenges that may arise from the
16 installation and maintenance of a public restroom
17 facility, including any known opposition within the local
18 community; and

19 (8) any additional recommendations for the
20 installation of a public restroom facility in each
21 identified location to address the challenges associated
22 with the installation.

23 (c) No later than 3 months after receiving the public
24 restroom facilities report under subsection (b), the county
25 shall begin the necessary repairs to each nonfunctional public
26 restroom facility.

1 No later than 6 months after receiving the public restroom
2 facilities report under subsection (b), the county shall begin
3 the process of installing public restroom facilities in the
4 locations identified and recommended in the report. Each
5 public restroom facility shall be identified as an all-gender,
6 multiple-occupancy restroom.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.